



Ohio Revised Code

Section 343.012 New joint solid waste management district creation and joinder and union of existing districts.

Effective: September 30, 2025

Legislation: Senate Bill 147 - 136th General Assembly

(A) As used in this section:

(1) "Change in district composition" and "change" have the same meaning as in section 3734.521 of the Revised Code.

(2) "Deliver" has the same meaning as in division (G)(2) of section 3734.55 of the Revised Code.

(B)(1) The board of county commissioners of a county seeking to establish a new joint district with the board of county commissioners of one or more other counties may initiate proceedings to do so by adopting a resolution proposing the establishment of the joint district. Upon adopting the resolution, the board shall deliver a copy of it to the boards of county commissioners of the other counties to be included in the proposed joint district.

(2) If the board proposing the establishment of a new joint district also has initiated proceedings to withdraw from an existing joint district under section 3734.522 of the Revised Code, the board shall not adopt a resolution proposing the establishment until after the memorandum of understanding has been executed in accordance with that section and, the board delivers a copy of the memorandum of understanding to the other boards along with the copy of the resolution proposing the establishment of the new district.

(3) Within sixty days after receiving the resolution proposing the establishment of the new joint district and, if applicable, a copy of the memorandum of understanding, each of the other boards shall adopt a resolution approving or disapproving the proposed establishment and deliver a copy of it to the board of county commissioners proposing the establishment. However, if any of the other boards also has entered into withdrawal proceedings under section 3734.522 of the Revised Code, such board shall deliver to the board of county commissioners proposing the establishment a copy of the executed memorandum of understanding entered into under that section. If any of the other



boards adopts a resolution of disapproval, the board of county commissioners proposing the establishment shall declare the proposed establishment to be disapproved and shall deliver written notice of the disapproval to the other boards. If all of the other boards adopt a resolution approving the establishment, the board that initiated the proceedings shall declare the establishment to be approved and shall deliver written notice of the approval to the other boards. The board of county commissioners that initiated the proceedings shall determine whether the establishment has been approved or disapproved and deliver the required written notice of the approval or disapproval to the other boards within thirty days after receiving the resolutions of approval or disapproval from the other boards or being otherwise notified by them in accordance with this division.

(4) Promptly after the approval of the establishment, the boards shall enter into and ratify an agreement to form the joint district under division (A) of section 343.01 of the Revised Code, and proceedings shall be initiated under section 3734.521 of the Revised Code to effect the establishment of the joint district. The establishment of the joint district becomes final when the applicable conditions set forth in division (E) of section 3734.521 of the Revised Code have been met in connection with the change in district composition that involves the establishment. On the date that the establishment becomes final, the boards of county commissioners of the counties establishing the joint district collectively constitute the board of directors of the joint district, except that if a county with a legislative authority other than a board of county commissioners participates in the joint district, it shall be represented on the board of directors by three persons appointed by the legislative authority of the county.

(C)(1) The board of county commissioners of a county may initiate proceedings to join an existing joint district by adopting a resolution requesting membership in the joint district. Upon adoption of the resolution, the board shall deliver a copy of it to the board of directors of the joint district.

(2) If the board of county commissioners proposing the joinder also has initiated proceedings to withdraw from an existing joint district under section 3734.522 of the Revised Code, the board shall not adopt a resolution proposing the joinder until after the memorandum of understanding has been executed in accordance with that section and, upon adopting the resolution, such board shall deliver a copy of the memorandum of understanding to the board of directors of the joint district along with the resolution proposing the joinder. Upon receiving the resolution and, if applicable, a copy of the memorandum of understanding, the board of directors shall deliver notice of the proposed joinder to



the boards of county commissioners of the counties forming the existing joint district.

(3) Within sixty days after receiving the notice of the proposed joinder, each such board shall adopt a resolution approving or disapproving the joinder and shall deliver a copy of the resolution to the board of directors. If the board of county commissioners of any of the counties forming the existing joint district adopts a resolution of disapproval, the board of directors shall declare the proposed joinder to be disapproved and shall deliver written notice of the disapproval to the affected boards of county commissioners. If the board of county commissioners of each county forming the existing joint district adopts a resolution approving the proposed joinder, the board of directors shall declare the joinder to be approved and shall deliver written notice of the approval to the affected boards of county commissioners. The board of directors shall determine whether the joinder has been approved or disapproved and deliver the required written notice of the approval or disapproval to the boards of county commissioners of the affected counties within thirty days after receiving the resolutions of approval or disapproval from the boards of county commissioners of the counties forming the existing joint district.

(4) Promptly after the approval of the joinder, the affected boards shall enter into and ratify an agreement under division (A) of section 343.01 of the Revised Code to join the county to the joint district, and proceedings shall be initiated in accordance with section 3734.521 of the Revised Code to effect the joinder. The joinder becomes final when the applicable conditions set forth in division (E) of section 3734.521 of the Revised Code have been met in connection with the change in district composition that involves the joinder. When the joinder becomes final, the board of county commissioners of the joining county or three members appointed by its legislative authority, if other than a board of county commissioners, shall be added to the board of directors of the joint district. If one or more counties withdrew from the existing joint district in connection with the change that involved the joinder, the members of the board of directors of the existing joint district from the counties that withdrew shall cease to serve as members of the board of directors on the date that the change becomes final.

(5) For the purposes of division (C) of this section, "counties forming the existing joint district" include only the following:

(a) The counties that are named as members of the joint district in the solid waste management plan



or amended plan of the district approved or ordered to be implemented under section 3734.521, 3734.55, or 3734.56 of the Revised Code in effect when the joinder proceeding was initiated and that have not initiated proceedings to withdraw from the joint district under section 3734.522 of the Revised Code;

(b) If joinder proceedings had previously been concluded under this division since that plan or amended plan was approved or ordered to be implemented, any county whose joinder to the district was declared to be approved in those proceedings.

(D)(1) As used in this division:

(a) "Initiating joint district" means the joint district that initiates proceedings for the union of the district with another joint district.

(b) "Joining joint district" means the joint district that is requested by an initiating joint district to become one joint district in union.

(c) "Counties forming the existing joint districts" includes only the following:

(i) The counties that are named as members of one of the joint districts affected by the proposed union in the solid waste management plan or amended plan of the appropriate district approved or ordered to be implemented under section 3734.521, 3734.55, or 3734.56 of the Revised Code in effect when the union proceeding was initiated and that have not initiated proceedings under section 3734.522 of the Revised Code;

(ii) If joinder proceedings previously had been concluded under this section to join a county to an existing joint district affected by the proposed union, any county whose joinder to the existing joint district was declared to be approved in that proceeding.

(2) The board of directors of a joint district may initiate proceedings for the union of the district with another joint district by adopting a resolution requesting the union.

(3) If the initiating joint district is affected by a withdrawal proceeding initiated under section



3734.522 of the Revised Code, the board of directors of the initiating joint district shall not adopt a resolution requesting the union until after the memorandum of understanding has been executed in accordance with that section. Upon adoption of the resolution, the board shall deliver a copy of it to the board of directors of the joining joint district. Within thirty days after receiving the resolution, the board of directors of the joining joint district shall deliver written notice to the initiating joint district's board of directors as to whether the joining joint district is affected by a withdrawal proceeding under section 3734.522 of the Revised Code. If the joining joint district is so affected, its board of directors shall deliver with the notice a copy of the memorandum of understanding executed in accordance with that section.

(4) Within thirty days after receiving from the board of directors of the joining joint district the written notice as to whether that district is affected by a withdrawal proceeding, the initiating joint district's board of directors shall deliver a copy of the resolution requesting the union to the boards of county commissioners of the counties forming the existing joint districts. Within sixty days after receiving the resolution, each such board of county commissioners shall adopt a resolution approving or disapproving the union and deliver a copy of it to the initiating joint district's board of directors. If the board of county commissioners of any of the counties forming the existing joint districts adopts a resolution of disapproval, the board of directors shall declare the union to be disapproved and shall deliver written notice of the disapproval to the board of county commissioners of each of the affected counties. If the boards of county commissioners of all of the counties forming the existing joint districts adopt resolutions approving the proposed union, the board of directors shall declare the union to be approved and shall deliver written notice of that fact to the affected boards of county commissioners. The board of directors shall determine whether the union has been approved or disapproved and deliver the required written notices of the approval or disapproval to the boards of county commissioners of the counties forming the existing joint districts within thirty days after receiving the resolutions of approval or disapproval from those boards of county commissioners.

(5) Promptly after the approval of the union, the boards of county commissioners of the affected counties shall enter into and ratify an agreement under division (A) of section 343.01 of the Revised Code to unite the districts, and proceedings shall be initiated in accordance with section 3734.521 of the Revised Code to effect the union. The union becomes final when the applicable conditions set forth in division (E) of section 3734.521 of the Revised Code have been met in connection with the change in district composition that involves the union. On the date that the union becomes final, the



boards of directors of the former joint districts collectively constitute the board of directors of the united district, except that if one or more counties were joined to any of the existing joint districts in connection with the change in district composition that involved the union, the board of county commissioners or three members appointed by its legislative authority, if other than a board of county commissioners, shall be added to the board of directors of the united district, and except that if one or more counties withdrew from any of the existing joint districts in connection with the change in district composition that involved the union, the board of directors shall not include members from the counties that withdrew from the former joint districts.